

**A RESOLUTION AS SUBSTITUTED
BY FINANCE/EXECUTIVE COMMITTEE**

09-R-2178

A RESOLUTION AUTHORIZING THE MAYOR OR HER DESIGNEE TO ENTER INTO AMENDMENT AGREEMENT NUMBER 1 WITH PUBLIC FACILITIES & SERVICES, INC., FOR FC-6006007903, AUTOMATIC PUBLIC TOILETS, ON BEHALF OF THE DEPARTMENT OF PUBLIC WORKS, IN AN AMOUNT NOT TO EXCEED EIGHTY NINE THOUSAND DOLLARS (\$89,000.00); ALL CONTRACTED WORK WILL BE CHARGED TO AND PAID FROM FUND DEPARTMENT ACCOUNT AND FUNCTION ACTIVITY: 1001 (GENERAL FUND) 130302 (DPW TRAFFIC ENGINEERING) 5222002 (REPAIR & MAINTENANCE) 4270000 (TRAFFIC ENGINEERING); AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta ("City") did solicit bids for FC-6006007903, Automatic Public Toilets, on behalf of the Department of Public Works; and

WHEREAS, the City, by and through the Department of Public Works, accepted from Atlanta Development Authority ("ADA") grant funds in the amount of One Million Five Hundred Thousand and No/100 Dollars (\$1,500,000.00) in support of the acquisition, installation and maintenance of six (6) automated public toilets ("Toilets"); and

WHEREAS, the initial two (2) year term for the support and maintenance of the Toilets expires on December 31, 2009; and

WHEREAS, the Department of Public Works, as originally authorized in Exhibit D (Cost Proposal) of FC-6006007903, wishes to exercise the option for support and maintenance of the Toilets for an additional six months beginning on January 1, 2010; and;

WHEREAS, the Department of Public Works and the Chief Procurement Officer recommend that Public Facilities and Services, Inc., be awarded Amendment Agreement Number 1 for FC-6006007903, Automatic Public Toilets, in an amount not to exceed Eighty Nine Thousand Dollars (\$89,000.00); and

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY RESOLVES, that the Mayor is authorized to execute Amendment Agreement Number 1 with Public Facilities & Services, Inc., ("PFS, Inc."), for FC-6006007903, Automatic Public Toilets, for the continued maintenance and support of the Toilets for an additional six months beginning on January 1, 2010 in an amount not to exceed Eighty Nine Thousand Dollars (\$89,000.00).

BE IT FURTHER RESOLVED, that all contracted work shall be paid to and from Fund Department Account and Function Activity: 1001 (General Fund) 130302 (DPW Traffic Engineering) 5222002 (Repair & Maintenance) 4270000 (Traffic Engineering) for the acquisition, maintenance and funding of up to six (6) public facilities.

BE IT FURTHER RESOLVED, that the City Attorney is directed to prepare an appropriate agreement for execution by the Mayor.

BE IT FINALLY RESOLVED, that the Agreement will not become binding on the City and the City will incur no obligation nor liability under it until it has been executed by the Mayor, attested to by the Municipal Clerk, approved as to form by the City Attorney and delivered to PFS, Inc.

**A RESOLUTION BY
FINANCE/EXECUTIVE COMMITTEE**

A RESOLUTION AUTHORIZING THE MAYOR OR HER DESIGNEE TO ENTER INTO AMENDMENT AGREEMENT NUMBER 1 WITH PUBLIC FACILITIES & SERVICES, INC., FOR FC-6006007903, AUTOMATIC PUBLIC TOILETS, ON BEHALF OF THE DEPARTMENT OF PUBLIC WORKS, IN AN AMOUNT NOT TO EXCEED EIGHTY NINE THOUSAND DOLLARS; ALL CONTRACTED WORK WILL BE CHARGED TO AND PAID FROM FDOA: 1001 (GENERAL FUND) 130300 (OFFICE OF TRANSPORTATION) 5222002 (REPAIR AND MAINTENANCE) AND PTAE0 FUNDING SOURCE: 13101985 102 350291795 5414002 COA; AND FOR OTHER PURPOSES

WHEREAS, the City of Atlanta ("City") did solicit bids for FC-6006007903, Automatic Public Toilets, on behalf of the Department of Public Works; and

WHEREAS, the City, by and through the Department of Public Works, accepted from Atlanta Development Authority ("ADA") grant funds in the amount of One Million Five Hundred Thousand and No/100 Dollars (\$1,500,000.00) in support of the acquisition, installation and maintenance of six (6) automated public toilets ("Toilets"); and

WHEREAS, the initial two (2) year term for the support and maintenance of the Toilets expires on December 31, 2009; and

WHEREAS, the Department of Public Works, as originally authorized in Exhibit D (Cost Proposal) of FC-6006007903, wishes to exercise the option for support and maintenance of the Toilets for an additional two (2) years [years three (3) and four (4)] beginning on January 1, 2010; and;

WHEREAS, the Department of Public Works and the Chief Procurement Officer recommend that Public Facilities and Services, Inc., be awarded Amendment Number 1 for FC-6006007903, Automatic Public Toilets, in an amount not to exceed Eighty Nine Thousand Dollars (\$89,000.00); and

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY RESOLVES, that the Mayor is authorized to execute Amendment Number One with Public Facilities & Services, Inc., ("PFS, Inc."), for FC-6006007903, Automatic Public Toilets, for the continued maintenance and support of the Toilets for an additional two years beginning on January 1, 2010 in an amount not to exceed Eighty Nine Thousand Dollars (\$89,000.00).

BE IT FURTHER RESOLVED, that all contracted works shall be paid in accordance with the terms agreed to in the intergovernmental agreement by and between the City of Atlanta and the Atlanta Development Authority for the acquisition, maintenance and funding of up to six (6) public facilities.

BE IT FURTHER RESOLVED, that the City Attorney is directed to prepare an appropriate agreement for execution by the Mayor.

BE IT FINALLY RESOLVED, that the Agreement will not become binding on the City and the City will incur no obligation nor liability under it until it has been executed by the Mayor, attested to by the Municipal Clerk, approved as to form by the City Attorney and delivered to PFS, Inc.

Part II: Legislative White Paper: (This portion of the Legislative Request Form will be shared with City Council members and staff)

A. To be completed by Legislative Counsel:

Committee of Purview: Finance/Executive Committee

Caption: A RESOLUTION AUTHORIZING THE MAYOR OR HER DESIGNEE TO ENTER INTO AMENDMENT AGREEMENT NUMBER 1 WITH PUBLIC FACILITIES & SERVICES, INC., FOR FC-6006007903, AUTOMATIC PUBLIC TOILETS, ON BEHALF OF THE DEPARTMENT OF PUBLIC WORKS, IN AN AMOUNT NOT TO EXCEED EIGHTY NINE THOUSAND DOLLARS; ALL CONTRACTED WORK WILL BE CHARGED TO AND PAID FROM FDOA: 1001 (GENERAL FUND) 130300 (OFFICE OF TRANSPORTATION) 5222002 (REPAIR AND MAINTENANCE) AND PTAE0 FUNDING SOURCE: 13101985 102 350291795 5414002 COA; AND FOR OTHER PURPOSES

Council Meeting Date: December 7, 2009

Requesting Dept.: Department of Public Works

B. To be completed by the department:

1. Please provide a summary of the purpose of this legislation (Justification Statement).

The purpose of this legislation is to enter into Amendment Agreement No. 1 with Public Facilities & Services, Inc., for automatic public toilets.

2. Please provide background information regarding this legislation.

3. If Applicable/Known:

(a) **Contract Type (e.g. Professional Services, Construction Agreement, etc):**

(b) **Source Selection:**

(c) **Bids/Proposals Due:**

(d) **Invitations Issued:**

(e) Number of Bids:

(f) Proposals Received:

(g) Bidders/Proponents:

(h) Term of Contract:

4. Fund Account Center:

5. Source of Funds:

6. Fiscal Impact:

7. Method of Cost Recovery:

This Legislative Request Form Was Prepared By:

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: GREG PRIDGEON

Dept.'s Legislative Liaison: Soraya Belgrave

Contact Number: (404) 330-6002

Originating Department: Department of Public Works

Committee(s) of Purview: Finance/ Executive Committee

Chief of Staff Deadline: November 17, 2009

Anticipated Committee Meeting Date(s): December 2, 2009

Anticipated Full Council Date: December 7, 2009

Legislative Counsel's Signature: Saul Schultz

Commissioner Signature: [Signature]

Chief Procurement Officer Signature: [Signature]

CAPTION

A RESOLUTION AUTHORIZING THE MAYOR OR HER DESIGNEE TO ENTER INTO AMENDMENT AGREEMENT NUMBER 1 WITH PUBLIC FACILITIES & SERVICES, INC., FOR FC-6006007903, AUTOMATIC PUBLIC TOILETS, ON BEHALF OF THE DEPARTMENT OF PUBLIC WORKS, IN AN AMOUNT NOT TO EXCEED EIGHTY NINE THOUSAND DOLLARS; ALL CONTRACTED WORK WILL BE CHARGED TO AND PAID FROM FDOA: 1001 (GENERAL FUND) 130300 (OFFICE OF TRANSPORTATION) 5222002 (REPAIR AND MAINTENANCE) AND PTAE0 FUNDING SOURCE: 13101985 102 350291795 5414002 COA; AND FOR OTHER PURPOSES

Mayor's Staff Only

Received by CPO: _____ Received by LC from CPO: _____
(date) (date)

Received by Mayor's Office: [Signature] 11/18/09 Reviewed by: [Signature]
(date) (date)

Submitted to Council: _____